

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Nathan Winshall	Team: Squad #3	CCRB Case #: 201706431	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 08/03/2017 4:00 PM	Location of Incident: 34th Precinct Stationhouse	Precinct: 34	18 Mo. SOL 2/3/2019	EO SOL 2/3/2019	
Date/Time CV Reported Mon, 08/07/2017 5:09 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 08/07/2017 5:09 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Joan Ferreira	00469	941746	034 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Robert King	05446	952934	034 PCT
2. POM Eric Brown	08307	962271	034 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Joan Ferreira	Force: Sergeant Joan Ferreira used physical force against § 87(2)(b) [REDACTED]	

### Case Summary

On August 7, 2017, § 87(2)(b) filed this complaint with the CCRB by phone.

On August 3, 2017, at approximately 4:00 p.m., § 87(2)(b) entered the 34<sup>th</sup> Precinct stationhouse with the intent of speaking to a detective about an incident that had occurred the previous night. After speaking to PO Eric Brown and PO Robert King, both of the 34<sup>th</sup> Precinct, § 87(2)(b) spoke to Sgt. Joan Ferreira, also of the 34<sup>th</sup> Precinct. After approximately five minutes of speaking to one another, Sgt. Ferreira allegedly forcibly removed § 87(2)(b) from the stationhouse by grabbing him by the arm and pushing him through the front doors to the stationhouse (**Allegation A**).

§ 87(2)(b) was not arrested nor did he receive a summons as a result of this incident. No video footage was obtained for this incident.

§ 87(2)(b) provided audio of this incident, which is located in IA 49 (Board Review 03). The transcription of this audio file is located in IA 23 (Board Review 07).

### Mediation, Civil and Criminal Histories

- It was determined that § 87(2)(b) was not a suitable candidate for mediation § 87(2)(b) § 87(2)(g)
- As of November 27, 2017, § 87(2)(b) has not filed a Notice of Claim with the NYC Comptroller's Office regarding this incident (Board Review 06).
- § 87(2)(b)

### Civilian and Officer CCRB Histories

- § 87(2)(b)
- Sgt. Ferreira has been a member of NYPD for 11 years and has had four prior allegations against him in four cases with no substantiated allegations or recommendations of other misconduct. § 87(2)(g)

### Findings and Recommendations

#### **Allegation A- Force: Sergeant Joan Ferreira used physical force against § 87(2)(b)**

It is undisputed that § 87(2)(b) entered the 34<sup>th</sup> Precinct stationhouse to speak to a detective about an incident that had occurred the previous night. After speaking to PO Brown and PO King, § 87(2)(b) spoke to Sgt. Ferreira. Sgt. Ferreira then asked § 87(2)(b) to leave at least two times.

§ 87(2)(b) stated that while speaking to Sgt. Ferreira about the events of the previous night, he began writing down Sgt. Ferreira's name. While he was doing this, Sgt. Ferreira said, "Get out of here." § 87(2)(b) continued taking notes and Sgt. Ferreira grabbed him by one of his biceps, and while walking behind § 87(2)(b) "forcefully" walked him to the double door entrance of the stationhouse and pushed him through the doors.

Sgt. Ferreira stated that he observed § 87(2)(b) argue with PO Brown and PO King in a loud tone of voice at which point he intervened. § 87(2)(b) was screaming which was disruptive to the other civilians who were filing complaints. Sgt. Ferreira addressed § 87(2)(b)'s request by calling the detective squad who informed Sgt. Ferreira that they could not speak to § 87(2)(b) because his case had not been assigned to a detective yet. Sgt. Ferreira explained this to § 87(2)(b) who proceeded to argue with the officers. Because they had addressed his request and because he was being disruptive, Sgt. Ferreira asked § 87(2)(b) to leave the stationhouse and he did so on his own. Sgt. Ferreira did not make any physical contact with § 87(2)(b).

PO Brown's statement was consistent with Sgt. Ferreira's statement in that he stated that § 87(2)(b) was being disruptive by yelling and raising his voice. PO Brown added that Sgt. Ferreira walked behind § 87(2)(b) as § 87(2)(b) left the stationhouse. PO Brown stated that after Sgt. Ferreira asked § 87(2)(b) to leave at least two times, § 87(2)(b) complied and walked out on his own. Sgt. Ferreira did not forcibly remove § 87(2)(b) from the stationhouse but PO Brown did not recall if Sgt. Ferreira touched him at any point.

PO King stated that he did not see Sgt. Ferreira interact with § 87(2)(b) and did not know what happened after he finished speaking to § 87(2)(b) or how § 87(2)(b) came to leave the stationhouse.

Throughout the recording provided by § 87(2)(b) § 87(2)(b) speaks over and verbally cuts off PO Brown, PO King, and Sgt. Ferreira while they were attempting to assist him and answer his questions. § 87(2)(b) asked the officers why detectives did not show up at the hospital after he was assaulted when they said that they would. After explaining the situation to § 87(2)(b) multiple times and having him repeatedly ask the same question they had already answered, Sgt. Ferreira says, "Get out of here," twice, each six seconds apart. One second after Sgt. Ferreira repeats himself, § 87(2)(b) states, "Get your hands off of me." There is then the sound of traffic when there was none before.



Snag-it.mp4

A person is guilty of trespass when they knowingly enter or remain unlawfully in or upon premises (Board Review 04). In all circumstances, any application or use of force must be reasonable under the circumstances. Patrol Guide Procedure 221-01 (Board Review 05).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Squad: 3

Investigator: \_\_\_\_\_  
Signature Print Date

Squad Leader: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date